

**Rick Buell - Re: Siting Regulation Rulemaking ~ Noticing Requirements**

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**From:** <lallen\_apcd@co.slo.ca.us>  
**To:** "Rick Buell" <Rbuell@energy.state.ca.us>, <ctooker@energy.state.ca.us>, <dmaul@energy.state.ca.us>  
**Date:** 9/14/01 10:16 AM  
**Subject:** Re: Siting Regulation Rulemaking ~ Noticing Requirements

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Richard K. Buell  
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I have reviewed the September 11, 2001 memorandum from Chief Counsel William F. Chamberlain regarding the issue of private vs. public meetings between CEC staff and the applicant other parties during the siting process for energy projects. I agree with the concerns raised by Counsel regarding the effect of prohibiting staff from conducting informal meetings with applicants and other parties to discuss procedural and/or technical issues related to proposed projects. As a Division Manager at a government regulatory agency, I would find it essentially impossible to conduct normal business operations under the requirement that all contact with project applicants had to be public meetings. The need for ongoing information exchange throughout our permitting process requires frequent contact, sometimes daily, with many of the businesses we regulate. Many of our discussions involve proprietary information on business processes or practices which is confidential and cannot be made public. Our operations would simply come to a standstill if we were required to make all our meetings public.

This same situation exists for all regulatory agencies, especially the CEC. I have actively participated in many siting proceedings before your commission. Your staff must deal with an enormous volume of highly technical information through a highly regulated process. I believe that your current process for including interested parties and the public in scoping meetings, informal workshops and evidentiary hearings is very open and provides many opportunities for input and involvement for anyone interested in the process. The proposed restrictions on private contacts between staff, applicants and other parties would significantly hinder this process and greatly delay the processing of proposed energy facilities.

I believe the language presented in the staff proposal in Section IV of the Memorandum provides the necessary principles and policies for defining the conduct of non-public meetings between staff, the applicant and other parties. I urge your Commission to adopt that language.

Thank you for the opportunity to comment on this issue. Please call or email me if you need a hardcopy of these comments on letterhead for your records, or if you have any questions or concerns regarding these comments.

Sincerely,

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